

Eugene Volokh
385 Charles E. Young Dr. E
Los Angeles, CA 90095
(310) 206-3926
volokh@law.ucla.edu

Feb. 17, 2016

Molly C. Dwyer
Clerk of Court
U.S. Court of Appeals for the Ninth Circuit
95 7th St.
San Francisco, CA 94103

Re: Response to panel question in No. 15-16501, *Tracy Rifle & Pistol LLC v. Harris* (briefing complete, argued Feb. 9, 2016)

Dear Ms. Dwyer:

At oral argument, Chief Judge Thomas asked what the status of the district court proceedings was (0:35 in the oral argument video), and whether a trial was scheduled. I did not know the answer, and Chief Judge Thomas asked me to get it for him. Then at 22:40 Chief Judge Thomas asked opposing counsel the same question, and opposing counsel stated that the discovery deadline was impending, that the case was set for trial in February 2017, and that summary judgment papers were due this summer. Since the question had been answered, I thought there was no need to respond to it further during rebuttal.

On reflection, though, I realize that I should also respond to Chief Judge Thomas's question myself. Opposing counsel is correct: the discovery deadline is impending (set for Feb. 29, 2016); trial is set for Feb. 6, 2017; and motions for summary judgment will be heard no later than Aug. 25, 2016. Pretrial Scheduling Order, Dist. Ct. ECF No. 37, at 2, 4, 10.

Sincerely Yours,

A handwritten signature in cursive script, reading "Eugene Volokh".

Eugene Volokh
Counsel for Appellants

cc: All counsel of record